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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,052

12/16/2004

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Q84889

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EXAMINER

KOLLIAS, ALEXANDER C

ART UNIT

PAPER NUMBER

4145

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,052	<b>Applicant(s)</b> TATEMOTO ET AL.	
	<b>Examiner</b> ALEXANDER C. KOLLIAS	<b>Art Unit</b> 4145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 11-36 and 39-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060613, 20041216, 20070830, 20050311</u> .                  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant is reminded of proper format of amendments to claims, which when filed on or after July 30, 2003 must comply with 37 CFR 1.121(c). Specifically, the withdrawn claims must be identified as “(Withdrawn)”

### ***Election / Restriction***

2. Applicant’s election without traverse of Invention II, claims 8-10 and 37-38 in the reply filed on 30 April 2008 is acknowledged.

3. Claims 1-7, 11-36, and 39-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 30 April 2008.

### ***Specification***

4. The use of the trademark CENTRIPREP YM-10 has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtin et al (US 6,150,426).

Regarding claim 8, Curtin et al teach a fluoropolymer dispersion which comprises

- a. a fluoropolymer solid composition according dispersed in a liquid medium (Abstract, Column 2, Lines 26-37 and Lines 51-62),
- b. said fluoropolymer solid composition containing a fine particle comprising a fluoropolymer, said fluoropolymer having an acid/acid salt group (Column 3, Lines 49-63),
- c. said acid/acid salt group being a sulfonic acid group, -  $\text{SO}_3\text{NR}^1\text{R}^2\text{R}^3\text{R}^4$ , -  $\text{SO}_3\text{M}^1_{1/L}$  (Column 3, Lines 54-63, wherein the polymer contains sulfonate functional groups such as  $\text{SO}_3\text{X}$  wherein X is H, Li, Na K, or N  $\text{R}^1\text{R}^2\text{R}^3\text{R}^4$ )
  - i.  $\text{R}^1$ ,  $\text{R}^2$ ,  $\text{R}^3$  and  $\text{R}^4$  are the same or different and each represents a hydrogen atom or an alkyl group having 1 to 4 carbon atoms (Column 3, Lines 54-63 wherein X is H,  $\text{CH}_3$ , or  $\text{C}_2\text{H}_5$ ),
  - ii.  $\text{M}^1$  represents a metal whose valence is L (Column 3, Lines 54-63 wherein the valence is +1 for Li, Na, or K), and
  - iii. said metal whose valence is L is a metal belonging to the group 1 (Column 3, Lines 54-63 wherein the valence is +1 for Li, Na, or K);

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- d. said fine particle comprising the fluoropolymer containing, at the proportion of at least 25% by mass thereof, a spherical fluoropolymer fine particle (Column 14, Table 1, Part 2, which contains 32.2 % of fluoropolymer and Table 2, embodiment comprising 50 ml of benzene and greater than 25% of fluoropolymer), and
- e. said spherical fluoropolymer fine particle being substantially spherical (Column 3, Lines 43-45, Figure 2).

Regarding claim 9, Curtin et al teaches all the claim limitations as set forth above. Additionally, the reference teaches a fluoropolymer dispersion, wherein the fluoropolymer solid composition amounts to 2 to 80% by mass based on the total mass of the fluoropolymer dispersion (Column 8, Lines 36-41, wherein the amount of polymer in the dispersion is about 5 to about 40 %).

Regarding claim 10, Curtin et al teaches all the claim limitations as set forth above. Additionally, the reference teaches a fluoropolymer dispersion, wherein the liquid medium is an aqueous dispersion medium, said aqueous dispersion medium having a water content of 10 to 100% by mass (Column 7, Lines 54-67, wherein the composition comprises at least 99% water).

Regarding claim 38, Curtin et al teaches all the claim limitations as set forth above. Additionally, the reference teaches a dispersion composition for thin film formation which

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comprises the fluoropolymer dispersion and at least one alcohol selected from the group consisting of methanol, ethanol, and propanol (Column 8, Lines 18-30, wherein the composition comprises lower, C1-4 alcohols which include methanol, ethanol, and propanol).

Regarding claim 37, Curtin et al teaches a fluoropolymer dispersion in which a fine particle comprising:

- a. a fluoropolymer (Column 2, Lines 26-36) is dispersed in an aqueous dispersion medium (Column 2, lines 55-61 and Column 5, lines 15-20),
- b. said fluoropolymer having a sulfonic acid group (Column 3, Lines 49-63),
- c. said fluoropolymer dispersion prepared by hydrolyzing, in an aqueous medium, - $\text{SO}_2\text{X}^1$  ( $\text{X}^1$  representing a halogen atom) which a fluoropolymer precursor has thereby to give the fluoropolymer (Column 4, Lines 36-50 wherein the fluoropolymer is produced by copolymerization of tetrafluoroethylene and perfluorinated vinyl ether  $\text{CF}_2=\text{CF}-\text{O}-\text{CF}_2\text{CF}(\text{CF}_3)-\text{O}-\text{CF}_2\text{CF}_2\text{SO}_2\text{F}$ , and 3,6-dioxa-4-methyl-7-octenesulfonyl fluoride followed by conversion to sulfonate groups by hydrolysis the sulfonyl fluoride groups and ion exchanging if needed to convert to the desired form).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER C. KOLLIAS whose telephone number is

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(571)270-3869. The examiner can normally be reached on Monday-Thursday, 7:30 AM-5:00 PM EST, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basia Ridley can be reached on (571)-272-1453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C. K./  
Examiner, Art Unit 4145

/Basia Ridley/  
Supervisory Patent Examiner, Art Unit 4145